



UNITED STATES PATENT AND TRADEMARK OFFICE

cen

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,552	08/25/2003	Jon Claude Russell Bennett	D3056B	5184

27774 7590 03/21/2007
MAYER & WILLIAMS PC
251 NORTH AVENUE WEST
2ND FLOOR
WESTFIELD, NJ 07090

EXAMINER

HAN, CLEMENCE S

ART UNIT	PAPER NUMBER
----------	--------------

2616

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/21/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/648,552

Applicant(s)

BENNETT, JON CLAUDE
RUSSELL

Examiner

Clemence Han

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over McGregor (IPMP draft-mcgregor-ipmp-00.txt) in view of Minami et al. (US Pub. 2004/0062267).

Regarding claim 1, 9 and 17, McGregor teaches a method for performing a measurement in a network from a measurement host comprising: receiving an Internet Protocol Measurement Protocol (IPMP) packet constructed by the measurement host, said IPMP packet including instructions for a recipient of the IPMP packet (3.1 in page 10); examining a contents of the IPMP packet for instructions before forwarding the IPMP packet by the network device (3.2 in page 10); and processing the IPMP packet in accordance with the instructions (3.2 in page 10). McGregor, however, does not teach said instructions including whether to include a time stamp or not when forwarding the IPMP packet. Minami teaches the instructions including whether to include a time stamp or not when forwarding

the packet [0563]. It would have been obvious to one skilled in the art to modify McGregor to have instruction on whether to include a time stamp or not as taught by Minami in order to process the packet faster by avoiding unnecessary step.

Regarding claim 2, 10 and 18, Minami teaches said instructions include whether or not to include a path record when forwarding the packet [0702].

Regarding claim 3 and 11, McGregor teaches said instructions include authentication data (3.1 in page 10).

Regarding claim 4 and 12, Minami teaches said instructions include whether or not to include additional information in the packet when forwarding the packet [0563].

Regarding claim 5, 13 and 19, McGregor teaches a method for performing a measurement in a network from a measurement host comprising: receiving an Internet Protocol Measurement (IPMP) Protocol packet constructed by the measurement host, said IPMP packet including instructions for a recipient of the IPMP packet (3.1 in page 10); examining a contents of the IPMP packet for instructions before forwarding the IPMP packet by the network device (3.2 in page 10); and processing the IPMP packet in accordance with the instructions (3.2 in page 10). McGregor, however, does not teach said instructions including whether to include a path record or not when forwarding the IPMP packet. Minami teaches

the instructions including whether to include a path record or not when forwarding the packet [0702]. It would have been obvious to one skilled in the art to modify McGregor to have instruction on whether to include a path record or not as taught by Minami in order to process the packet faster by avoiding unnecessary step.

Regarding claim 6, 14 and 20, Minami teaches said instructions include whether or not to include a time stamp when forwarding the packet [0563].

Regarding claim 7 and 15, McGregor teaches said instructions include authentication data (3.1 in page 10).

Regarding claim 8 and 16, Minami teaches said instructions include whether or not to include additional information in the packet when forwarding the packet [0563].

Conclusion

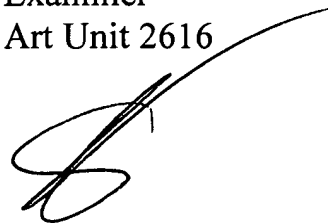
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clemence Han whose telephone number is (571) 272-3158. The examiner can normally be reached on Monday-Friday 9 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (571) 272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

C. H.

Clemence Han
Examiner
Art Unit 2616

A handwritten signature in black ink, appearing to be 'S. NGUYEN', written over a horizontal line.

STEVEN NGUYEN
PRIMARY EXAMINER